

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 409 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARSOTTAMBHAI VANPARIA

Versus

STATE OF GUJARAT

Appearance:

MS SEJAL K MANDAVIA for Petitioners

Mr D P Joshi, AGP for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/02/98

ORAL JUDGEMENT

RULE. Mr D P Joshi, learned AGP waives service of Rule on behalf of the respondent.

On the request of the parties, the matter is taken up for hearing today.

This is a Revision under section 15 of the CPC

against the order dated 20.1.1997 8passed by the civil Judge (SD), Junagadh in Civil Suit No.807/90 below Exh.20 whereby the learned Judge rejected the petitioner's application filed under Order 11 Rulle 12 CPC. The petitioner-plaintiff fied a suit challenging the valuation of the suit property by the Dy.Collector, Stamp duty at Rs.2,88,430/-. According to the petitioner, the property bearing Survey No.412/3 and 413 was purchased by him and the document was registered with the office of the Sub-Registrar on stamp of Rs.60,300/-. The petitioner, by application under Order 11 Rule 12 CPC, applied for discovery of the document dated 29.7.1992, the document on which the Deputy Collector had relied upon for valuation. The learned Judge, by a non-speaking order, rejected the order simply by stating that the "application is rejected in view of the decision reported in 1995(2) GLH 712". I have gone through the said judgment. The Court in the said judgment deprecated application for discovery or inspection with a view to delay the hearing of the application for interim relief. In the pesent case, the interim relief is not subsisting. The case, therefore, does not apply to the facts of that case.

2. In view of the aforesaid, the impugned order dated 20.1.1997 is quashed and set aside and the learned Trial Judge is directed to pass a fresh order in accordance with law. Rule made absolute.

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msh.